

GENERAL INFORMATION

Applicant: International Montessori Academy of MN (User)
Peace Lutheran Church (Owner)

Location: 8600 E Bush Lake Road

Request: Conditional Use Permit for a Day Care Facility at an Existing Place of Assembly

Existing Land Use and Zoning: Church; zoned Single Family Residential (R-1)

Surrounding Land Use and Zoning: North, South and East – Park; zoned SC
West – Single Family Residential and ponds; zoned R-1 and Conservation

Comprehensive Plan Designation: Conservation and Quasi-Public

HISTORY

City Council Action: 06/02/80 – Approved a Conditional Use Permit for a place of assembly (Case #08703D-80)

08/03/98 – Approved a six-month Temporary Conditional Use Permit for a daycare facility at an existing church (Case #08703A-99).

CHRONOLOGY

Planning Commission Agenda: 06/16/16 – Public Hearing scheduled

PROPOSAL

International Montessori Academy of Minnesota is requesting a Conditional Use Permit for a day care facility at Peace Lutheran Church located at 8600 East Bush Lake Road. The day care facility would serve a maximum of 20 students and have a maximum of three staff members on-site, resulting in a total maximum occupancy of 23 persons. The facility would operate between the hours of 7:30am – 5:30pm Monday through Friday. Existing classrooms, totaling approximately 1,000 square feet in the basement of the church would be utilized for the day care. No exterior or interior modifications to accommodate the day care are proposed. International

Montessori is proposing a ten-week summer program that, if successful, would likely be repeated in future years. The applicant selected Peace Lutheran Church due to its proximity to Hyland Lake Park Reserve, offering opportunities for outdoor education and recreation.

ANALYSIS

Land Use

Day care facilities within a place of assembly are a conditional accessory use in the R-1 Single Family Residential zoning district. As part of the conditional use permit review, staff analyzes Code compliance for the proposed day care.

Code Compliance

Table 1: City Code Analysis for Day Care Facility

Standard and Code Section	Proposed	Meets Standard?
Parking Day Care – 1.2 spaces for each 10 participants based on the facilities licensed capacity, plus one space per caregiver on the maximum shift (Section 21.301.06)	<u>Day Care</u> 20 participants – 2.4 spaces 3 caregivers – 3.0 spaces Total – 5.4 spaces (5 spaces)	Yes – 5 shared spaces designated on the site plan (See comments)
Lighting Parking surface – 1.0 FC required (Section 21.301.07(c)(13))	The day care facility is not to be utilized during nighttime hours. If nighttime use commences, light levels must meet Code for required parking.	Yes – see comments

Landscaping and Lighting

In reviewing the day care as a conditional accessory use permit, staff reviews the subject property and associated site characteristics for conformance to City Code. Site characteristics include physical improvements beyond structures such as landscaping and lighting. To determine whether full conformance for all site characteristics is necessary, staff evaluates the scale or proportion of the change of use to determine which site characteristics must come into conformance. As the change of use consists of 7.6% of the total structure, the change is considered to be insignificant and does not require site characteristic upgrades.

Regarding lighting, when a change of use requires additional parking be provided, the parking that is associated with the proposed use must comply with the City's lighting ordinance. In the case of the proposed day care facility, five parking spaces must be provided to serve the proposed use. However, as currently proposed, the day care facility will not operate during nighttime hours. The day care facility is a summer program operating between the hours of 7:30am and 5:30pm. Therefore, staff does not recommend that the existing on site lighting be upgraded unless the operations are extended during nighttime hours. Should operations be extended, compliance with the lighting ordinance would then be required. Staff has included a condition to address this requirement. It should also be noted that the lighting ordinance requires compliance for all properties in Bloomington by December 31, 2018.

Access, Circulation, and Parking

The proposed site for the day care facility has frontage on two collector roads – 86th Street and East Bush Lake Road, with access from 86th Street. The transportation facilities should accommodate the anticipated traffic volume increase and provide effective access to the site.

There are presently 77 existing parking spaces at Peace Lutheran Church. According to the City's parking regulations, the proposed day care facility would require five dedicated parking spaces. Given the limited size and duration of the proposed day care facility, there is more than adequate parking at the subject property to accommodate the requested use in staff's judgment. It should also be noted that opportunities for parking conflict are not high due to the unlikelihood of concurrent use of a nature to create a parking problem. The peak traffic demand for a day care facility occurs at drop-off and pick-up times (approximately 8am and 5pm respectively) Monday through Friday. Large events at places of assembly, such as funerals, do not typically occur at these peak demand times.

Miscellaneous

Although the proposed day care facility is of limited size and will operate for a limited time-period during hours outside of normal worship and programming, the property owner should be cognizant of concurrent use of the church facility and its impact on parking. Staff has included a condition that compliance with parking regulations is required at all times. Concurrent use of the church facility that would require more parking than is available on-site is not permitted.

In terms of providing food at the day care facility, the applicant has stated that students will be responsible for bringing their own lunches daily. However, should snacks be provided by the day care to children, the applicant will be responsible for satisfying the licensing requirements of the City Code. Staff has added a condition that all food service plans be approved by Environmental Health.

Utilities

The applicant will be responsible for getting a SAC determination for the proposed use.

Fire Prevention

The existing fire alarm is adequate for the proposed temporary summer day care in the designated church area submitted to staff. Any changes, expansion and/or time extension for this program will require additional review and may require an upgrade of the fire alarm system and/or the addition of a sprinkler system.

Status of Enforcement Orders

There are no open enforcement orders for this property.

FINDINGS

Section 21.501.04(e)(1-5) Conditional Use Permits

(1) The proposed use is not in conflict with the Comprehensive Plan;

- The subject property is guided Quasi-Public and Conservation by the Comprehensive Plan. Day care facilities within a place of assembly are conditional accessory uses in the R-1 Zoning District. The proposed use is not in conflict with the Comprehensive Plan.

(1) The proposed use is not in conflict with any adopted District Plan for the area;

- The property is not located within an adopted District Plan area.

(3) The proposed use is not in conflict with City Code provisions;

- Subject to compliance with the conditions of approval, the proposed use meets all City Code requirements.

(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and

- The proposed use is not of a nature, scale, or intensity to create an excessive burden on parks, schools, or other public facilities and utilities. The subject

property is immediately adjacent to two collector roads, providing safe and efficient travel to the subject property.

(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

- The limited size and scope of the proposed daycare facility ensures that the use will not be injurious to the surrounding neighborhood. The proposed use within an existing place of assembly is of a character and scale that will not harm the public health, safety and welfare.

RECOMMENDATION

Note the Planning Commission has final approval authority on this Conditional Use Permit application unless an appeal to the City Council is received by 4:30 p.m. on June 21st.

Staff recommends approval of the Conditional Use Permit through the following motion:

In Case #PL201600074, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for a day care facility within an existing place of assembly located at 8600 East Bush Lake Road, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL201600074

Project Description: Conditional Use Permit for a daycare at an existing place of assembly

Address: 8600 E BUSH LAKE RD

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
4. Ongoing The Conditional Use Permit is limited to the space and use as shown on the approved plans in Case File #PL201600074.
5. Ongoing Nighttime use of the day care facility is prohibited unless the parking areas required to serve the day care comply with the lighting requirements of Section 21.301.07 of the City Code.
6. Ongoing The property owner must evaluate all scenarios of concurrent use of the church facility. Code-compliant parking must be maintained at all times.
7. Ongoing Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
8. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.